

**House Bill No. 104 is an inappropriately uniform solution based on incorrect assumptions that does not actually solve any perceived problems.**

- The Environmental Quality Council recommended caution in revising exempt well statutes. House Bill No. 104 is anything but a cautious and carefully researched approach.
- DNRC has assumed cumulative impacts from exempt wells and adverse impact on senior appropriators, but has failed to undertake any data review to determine if DNRC's conclusions are supported.
- Data review in the Gallatin County, which has the highest number of exempt wells and the highest density, do not reveal any cumulative impact to streamflow or groundwater levels from exempt wells.
- Gallatin Valley data over the last 50-plus years shows a likely decrease in the number of irrigated acreage, which, in turn results in a net decrease in consumption.
- A review of groundwater levels over the last 50 years in the Gallatin Valley shows no significant change and no measurable impact on streamflows.
- DNRC's portrayal of gross drawdown from exempt wells is severely inflated.
- DNRC does not consider a reduction in irrigated acreage that accompanies an increase in exempt wells.
- DNRC's net consumption calculation for lawn and garden consumption does not account for effective precipitation, does not consider the fact that excess water recharges groundwater, and uses an unsupported and unreasonably high consumption figure of 35 inches unlikely to occur anywhere in Montana.
- House Bill No. 104 is an inappropriately uniform approach and is unsupported by data review.
- House Bill No. 104 adds a significant burden to a permitting process that DNRC admits is already overtaxed and cannot bear an influx of additional applications.
- Especially when considered along with House Bill No. 138, House Bill No. 104 has the potential for extreme negative impacts on the building industry and the availability of affordable housing in areas that already have a shortage.
- A more appropriate approach would be review of data in basins that seem problematic and, if the data demonstrates that exempt wells are a source of adverse effect on senior appropriators, use tools already available to DNRC such as controlled groundwater areas to implement appropriate solutions.

**A cautious approach tailored to address individual problematic basins that is supported by appropriate data review is needed. House Bill No. 104 is anything but cautious and carefully researched.**

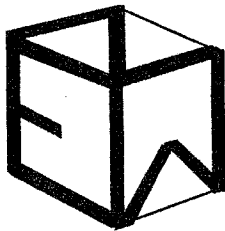
## **Exhibit Number:** 8

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Which can not be scanned,  
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# **Gallatin Valley Water Resources Evaluation**

**A Test of the Rationale of Montana  
Department of Natural Resources & Conservation  
Proposed Legislation to Amend Montana Water Law**

prepared by



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